

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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Vanessa Donadel a/k/a Vanessa Andrade,

Case No. 16-44002-NHL

Chapter 7
Debtor.

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**ORDER GRANTING MOTION TO VACATE
ORDER DENYING HOMESTEAD EXEMPTION**

WHEREAS on September 6, 2016 Vanessa Donadel a/k/a Vanessa Andrade (the “Debtor”) filed a petition seeking relief under chapter 7 of the United States Bankruptcy Code (the “Petition”), and the Petition lists Debtor’s residence as 33-29 156th Street, Flushing, NY 11354 (the “Property”), and on December 14, 2016 the Debtor filed Official Form 106C (“Schedule C”), which Schedule claimed an exemption in the Debtor’s primary residence (the “Homestead Exemption”); and

WHEREAS Richard J. McCord (the “Trustee”) was appointed as the chapter 7 trustee to administer the estate of the Debtor, and filed a motion on July 6, 2019 objecting to the Homestead Exemption in the Property (the “Motion”) [ECF No. 45]; and

WHEREAS, no opposition having been filed to the Motion, on September 11, 2017 the Honorable Elizabeth S. Stong granted the Motion and issued an order disallowing the Homestead Exemption (the “Order”) [ECF No. 48]; and

WHEREAS, on December 4, 2017, the Debtor filed a motion to vacate the Order (the “Motion to Vacate”) [ECF No. 49]; and

WHEREAS, on February 20, 2018, the Trustee filed an objection to the Motion to Vacate (the “Objection”) [ECF No. 52], and

WHEREAS, on August 20, 2019 a hearing was held on the Motion to Vacate before the Honorable Nancy Hershey Lord, at which Karamvir Dahiya (the “Debtor’s Counsel”) and Robert Nosek, on behalf of the Trustee appeared, at which hearing the Trustee agreed to withdraw the Objection assuming that Debtor’s Counsel withdraw certain allegations of fraud made in support of the Motion to Vacate, and

WHEREAS on August 21, 2019, Debtor’s Counsel filed a letter withdrawing certain allegations of fraud made in support of the Motion to Vacate [ECF No. 64]; it is now hereby

ORDERED that the Motion to Vacate is GRANTED, only as to the portion that vacates the Order disallowing the Homestead Exemption.

Dated: October 27, 2019
Brooklyn, New York



Nancy Hershey Lord
Nancy Hershey Lord
United States Bankruptcy Judge